

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JACKIE BURKS; BRUNILDA PAGAN CRUZ;  
VENUS CUADRADO; and RHONDA DRYE,  
individually and on behalf of all persons similarly  
situated,

Plaintiffs,

No. 20 Civ. 1001 (RPK) (SMG)

-against-

GOTHAM PROCESS, INC.; MULLOOLY,  
JEFFERY, ROONEY & FLYNN, LLP; BASSEM  
ELASHRAFI; and CARL BOUTON,

Defendants.

VENUS PUJOLS hereby declares, under penalty of perjury, that:

1. I am a Named Plaintiff in this case.
2. I recently got married and changed my name from Venus Cuadrado to Venus Pujols.
3. I believe I would be a good representative for the class in this case. As far as I know, I do not have any interest that conflicts with the interest of anyone else in the class.
4. I am forty-three years old and live in Ansonia, Connecticut.
5. *In August 2019, I received a call from my mother, who told me that she had received a letter addressed to me in the mail at her apartment in the Bronx.*
6. *I drove over two hours each way from my home in Connecticut to my mother's apartment in the Bronx to get the letter.*

7. The letter contained a summons and complaint for a case called *Unifund CCR LLC v. Venus Cuadrado* (“*Unifund v. Cuadrado*”), Index Number CV-14246-19/BX, in Bronx Civil Court.

8. Before I got that phone call from my mother, I had never heard of *Unifund v. Cuadrado*.

9. I was never served with a summons and complaint in that action. I had received no other notice of the action.

10. On August 23, 2019, I drove to the Bronx a second time and filed a *pro se* answer to the *Unifund v. Cuadrado* complaint in the Bronx Civil Court.

11. In my answer, I said that I received the Summons and Complaint, but service was not correct as required by law. I also stated that I did not owe the debt to Unifund.

12. On my first court date, September 27, 2019, I again drove over two hours from my home in Connecticut to reach the courthouse in the Bronx.

13. When I got to the courthouse, I had trouble finding parking, so I was late.

14. I appeared at this court date by myself, with no one to help me. By the time I arrived at the courtroom, all I could do was to get an adjournment of the case for a second court date, scheduled for February 5, 2020.

15. I understand that a paper filed in this case says that the Complaint was served on someone named “Anthony Cuadrado.”

16. I do not have any relatives named “Anthony Cuadrado,” and I do not know anyone named “Anthony Cuadrado.”

17. I do not live at the address at which the papers were supposedly served (575 Castle Hill Avenue, Apartment 4C, Bronx, NY 10473). That is my mother's apartment. I moved out of that apartment to Connecticut in 2015.

18. No one named "Anthony Cuadrado" lives at my mother's apartment.

19. Each person who does live in my mother's apartment told me that they were not ever handed the summons and complaint.

20. In January 2020, I got in contact with the New York Legal Assistance Group (NYLAG).

21. NYLAG helped me prepare a *pro se* motion to dismiss *Unifund v. Cuadrado* for lack of personal jurisdiction. On January 27, 2020, I served this motion on Mullooly.

22. I attached six pieces of proof to my motion to show that I lived in Connecticut.

23. My sworn affidavit in support of the motion explained that "[T]he affidavit of service is false. The process server claims he handed the papers to a person named 'Anthony Cuadrado' who . . . said he was my 'relative,' but this is not true. None of my relatives have that name, no one who lives at the service address has that name, and no one who lives at the service address was ever handed the court papers."

24. On the next day, Mullooly sent me a letter stating that it had reviewed my motion to dismiss, and agreed to discontinue *Unifund v. Cuadrado*.

25. On January 31, 2020, I signed the stipulation of discontinuance, which was later filed with the court.

26. Even though I got help ending the case, I experienced great stress and financial harm as a result of the case.

27. Three separate times, I had to drive over two hours each way to the Bronx.

28. On my first court date, I had no childcare for my toddler, and so had to make the long round-trip drive with my daughter and bring her into court—and then rush home to meet my other children's school bus.

29. I had to spend money because of the case, including photocopying, printing, notary costs, postage, parking, and gas.

30. I was confused by the case. I did not understand why I was sued, and did not know what to expect. It was especially upsetting because I had three young children and had to make arrangements for their care, or bring them with me.

31. I was overwhelmed and stressed by the case. I had difficulty sleeping.

V. Pujols

Venus Pujols

3-18-2020

Date

Sworn to before me this 18 day of

MARCH, 2020

Cindy Perez  
NOTARY PUBLIC

CINDY PEREZ  
NOTARY PUBLIC  
My Comm. Exp. Feb. 29, 2024

